IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (LODG.) NO. 17292 OF 2004
IN
WRIT PETITION NO.8260 OF 2003

Proposed Shri Chakreshwar V.K.S.
Seva Sanstha Maryadit ..Applicant.
Vs.
Shri Hanuman V. K. S. Seva Sanstha
Maryadit & Ors. ..Respondents.
...
Mr. T.D. Deshmukh for the Applicant.
Mr. Amit Borkar for Respondent No.1.
....

CORAM: DR.D.Y.CHANDRACHUD, J.

13th April, 2006.

P.C. :

1. By consent the Review Petition is taken up on Board for hearing.

2. The application for Review is confined to the observation of this Court in paragraph 5 of the order dated 5th January, 2004. It appears that originally, an order was passed on 20th February, 2002 by which the applications filed by the Review Petitioner as well by the First Respondent to the Review Petition were rejected.

The First Respondent to the Review Petition thereupon filed an appeal which was allowed on 20th May, 2002. The Review Petitioner preferred an appeal against the original order of rejection dated 20th February, 2002, together with an application for condonation of delay, only on 27th May, 2002 and on the same day he also filed a revision against the order dated 20th May, 2002 which was passed in favour of the First Respondent to the Review Petition. The revision having been allowed, the First Respondent filed a writ petition (Writ Petition 8260 of 2003) which was disposed of by the order of the Court dated 5th January, 2004.

3. In support of the Review Petition, it has been submitted that in paragraph 5 of its order this Court recorded that the non-impleadment of the First Respondent to the Writ Petition (the Review Petitioner) was not fatal to the proceedings below since the Review Petitioner had accepted the order of rejection. It has been submitted that in fact, the Review Petitioner had also filed an appeal. At the hearing of the Review Petition, it is common that the appeal by the Review Petitioner was filed only on 27th May, 2002. In other words, until the appeal filed by the First Respondent to the Review Petition was allowed on 20th May, 2002, there was no

challenge by the Review Petitioner to the original order of rejection dated 20th February, 2002. That apart, it was not strictly speaking necessary to implead the Review Petitioner since it is only a proposed society and not an existing registered society. In the circumstances, the order of the Court does not suffer from any error apparent on the face of the record nor is any ground made to review the order.

4. The Review Petition is dismissed. However, this would not preclude the competent authority from deciding the appeal preferred by the Review Petitioner on 27th May, 2002 in order to challenge the original order of rejection dated 20th February, 2002.